

REMARKS

I. INTRODUCTION

Claims 1, 6, and 17 have been amended. Claims 4, 5, and 9-16 have been canceled. No new matter has been added. Thus, claims 1-3, 6-8 and 17-19 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN

Claims 1-3, 6-8 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 6,799,047 to Bahl et al. ("Bahl") in view of U.S. Patent No. 7,013,149 to Vetro et al. ("Vetro").

Claim 1 has been amended to recite "increasing a rate of transmitting updated location data from said computer upon determining said device has moved." Paragraph [0025] of the specification states that the processor 34 of the mobile unit 12 requests for updated location data from server 22. The Examiner admits that Bahl does not teach the increased data transmission rate recited in the claim and relies on Vetro for this feature. Vetro, at column 4, lines 59-67, teaches that the direction of location updates is from mobile unit to the computer at network 130, not from the computer as recited in the claim. Moreover, Vetro speaks of the "frequency" of initiating these location updates, which is different than the data transmission rate of the location updates. The claim pertains to increasing the data transmission rate of the location update. So, for instance, a rate of 1 Megabit per second would be increased to 10 Mb/s. Vetro does not deal

with this type of increase because it deals with the “frequency” at which the location updates are initiated. So, instead of transmitting updates every 10 seconds, it transmits them every two seconds. In this situation, the data rate within each transmission is the same; for example, whether the Vetro updates are sent every 10 or 2 seconds, each update is transmitted at the data transmission rate of 1 Mb/s. Therefore, Vetro has nothing to do with data rate transmission increases, as is the case with the claimed invention. Accordingly, withdrawal of this rejection is requested.

Because claims 2-3 depend from and, therefore, include the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 6 has been amended to recite “increasing a rate of transmitting updated location data from said computer upon determining said device has moved.” Thus, it is respectfully submitted that claim 6 is allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. § 103(a) rejection of claim 6. Because claims 7-8 depend from and, therefore, include the limitations of claim 6, it is respectfully submitted that these claims are also allowable.

Claim 17 has been amended to recite “a data transmitting means increasing a rate of transmitting updated location data from said determining means upon determining said device has moved.” Thus, it is respectfully submitted that claim 17 is allowable for at least the reasons discussed above with reference to claim 1 and the Examiner should withdraw the 35 U.S.C. §

103(a) rejection of claim 17. Because claims 18-19 depend from and, therefore, include the limitations of claim 17, it is respectfully submitted that these claims are also allowable.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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